

STATE OF INDIANA

COUNTY OF LAKE

FILED IN  
CLERK'S OFFICE  
SS:

2007 NOV 28 PM 1 10

IN THE LAKE SUPERIOR COURT

CAUSE NO. 45D11-0710-PL-0147

STATE OF INDIANA  
CLERK LAKE SUPERIOR COURT

Plaintiff,

v.

BUZZ TELECOM, CORP.,

BUSINESS OPTIONS, INC.,

KURTIS KINTZEL, individually and  
as President of Buzz Telecom, Corp.  
and Business Options, Inc.,

KEANAN KINTZEL, individually and  
as Secretary of Buzz Telecom, Corp.  
and Business Options, Inc.,

Defendants.

**PLAINTIFF'S RESPONSE TO DEFENDANT KURTIS KINTZEL'S  
MOTION TO DISMISS**

Plaintiff, by counsel Attorney General Steve Carter and Deputy Attorney General Justin G. Hazlett, responds to the Motion to Dismiss filed by Defendant Kurtis Kintzel as follows:

1. On November 8, 2007, Plaintiff filed the fully-executed Consent Decree Between State of Indiana and Buzz Telecom, Corp., Business Options, Inc., and Kurtis Kintzel ("Consent Decree"). The Court approved the Consent Decree the day of its filing, November 8, 2007.

2. Under its terms, the Consent Decree is the final decree in this matter resolving the lawsuit between the State of Indiana and Defendants Buzz Telecom, Corp., Business Options, Inc., and Kurtis Kintzel. The Consent Decree did not resolve the State's lawsuit against Keanan Kintzel, which lawsuit the State is still prosecuting.

**REGISTERED/CERTIFIED  
RECEIVED**

CERTIFIED MAIL

POST MARKED

NOV 27 2007

NOV 28 2007

*Thomas R. Philpot*  
CLERK LAKE SUPERIOR COURT

3. On November 14, 2007, Defendant Kurtis Kintzel filed his *pro se* Motion to Dismiss, purporting to act on behalf of "Defendants," specifically, himself, Buzz Telecom, Corp., and Business Options, Inc. Plaintiff received Defendant's motion November 20, 2007.


4. Although he is the controlling owner and President of the corporate defendants Buzz Telecom, Corp. and Business Options, Inc., Defendant is not licensed to practice law in the State of Indiana and cannot represent either corporation in this lawsuit by seeking the relief he seeks in his Motion to Dismiss. Defendant Kurtis Kintzel's Motion to Dismiss should thus be denied insofar as it seeks relief for either of the corporate defendants.

5. Defendant Kurtis Kintzel's Motion to Dismiss is procedurally improper and contrary to the Consent Decree because it seeks to dismiss a lawsuit already concluded, by Defendant Kurtis Kintzel's agreement, with the Consent Decree.

For these reasons, Plaintiff requests that this Court deny Defendant Kurtis Kintzel's Motion to Dismiss and award all other just relief.

Respectfully Submitted,

STEVE CARTER  
Attorney General of Indiana

By:   
Justin G. Hazlett  
Deputy Attorney General  
Attorney number 22046-49


Office of the Attorney General  
302 West Washington Street  
IGCS, 5<sup>th</sup> Floor  
Indianapolis, IN 46204

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing PLAINTIFF'S RESPONSE TO DEFENDANT KURTIS KINTZEL'S MOTION TO DISMISS was served by U.S. First Class mail, postage prepaid, this 27 day of November, 2007, addressed to the following:

Kurtis Kintzel  
Individually and as President of  
Buzz Telecom, Corp. and Business  
Options, Inc.  
241 Whitethorne Lane  
Valparaiso, IN 46383

Keanan Kintzel  
1104 Sunnydale Drive  
Clearwater, FL 33755

A handwritten signature in black ink, appearing to read "Justin G. Hazlett", written over a horizontal line.

Justin G. Hazlett  
Deputy Attorney General